



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Ms. Robin Everly  
General Counsel & V.P. Compliance  
Aviall Services, Inc.  
2750 Regent Blvd.  
Dallas, TX 75261

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

MAR 31 2015

Re: In the Matter of: Aviall Services, Inc.  
Complaint and Notice of Opportunity for Hearing  
Docket No. TSCA HQ-2015-5005

Dear Ms. Everly:

Enclosed please find a Complaint and Notice of Opportunity for Hearing (Complaint) concerning alleged violations of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2601 *et seq.*

The Complaint and the enclosed *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (Consolidated Rules of Practice), 40 C.F.R. Part 22, set forth the alternatives available to you in responding to the alleged facts, violations, and proposed penalty. Please note that you may quickly resolve the proceeding by paying the penalty of \$470,050 proposed in the Complaint within 30 days of receipt. Instructions for Payment of Penalty are found in Section V of the Complaint.

If you have any questions, you may contact me at (202) 564-4038.

Sincerely,

Dean B. Ziegel, Esq.  
Waste and Chemical Enforcement Division  
Office of Civil Enforcement

Enclosures

cc: Warren Lehrenbaum (Crowell & Moring LLP)

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY**

***In the Matter of :***

**Aviall Services, Inc.  
Dallas, TX**

**Respondent**

**Docket Number TSCA-HQ-2015-5005**

**COMPLAINT AND NOTICE OF  
OPPORTUNITY FOR HEARING**

**I. COMPLAINT**

This Complaint and Notice of Opportunity for Hearing (Complaint) is filed pursuant to section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2615(a), and the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (Consolidated Rules of Practice), 40 C.F.R. Part 22. A copy of the Consolidated Rules of Practice is attached to this Complaint as Attachment A. The Complainant is Kenneth C. Schefski, Acting Director, Waste and Chemical Enforcement Division, Office of Civil Enforcement, Office of Enforcement and Compliance Assurance, United States Environmental Protection Agency (EPA or Complainant), who has been duly delegated the authority to initiate this action. The Respondent is Aviall Services, Inc. (Aviall or Respondent), located at 2750 Regent Blvd., Dallas, TX 75261.

Complainant alleges that Respondent did not comply with the export notification requirements of section 12(b) of TSCA, 15 U.S.C. § 2611(b), and the regulations set forth at 40 C.F.R. § 707.60. Respondent's failure to comply with these requirements violates section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B).

### Statutory and Regulatory Background

1. TSCA section 12(b)(1), 15 U.S.C. § 2611(b)(1), and the regulations set forth at 40 C.F.R. § 707.60, require any person who exports or intends to export a chemical substance or mixture for which (1) data are required under section 4 or 5(b); (2) an order has been issued under section 5; (3) a rule has been proposed or promulgated under TSCA section 5 or 6; or (4) an action is pending, or relief has been granted under section 5 or 7, to notify the EPA of such exportation to a particular country for the first export or intended export to a particular country.
2. Pursuant to section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B), it is unlawful for any person to fail or refuse to submit reports, notices, or other information as required by TSCA or a rule thereunder.
3. Pursuant to 40 C.F.R. § 710.3, "person" means "any natural or juridical person including any individual, corporation, partnership, or association, any State or political subdivision thereof, or any municipality, and interstate body and any department, agency, or instrumentality of the Federal Government."
4. "Exporter" is defined by 40 C.F.R. § 707.63(b) as "the person who, as the principal party in interest in the export transaction, has the power and responsibility for determining and controlling the sending of the chemical substance or mixture to a destination out of the customs territory of the United States."
5. A "chemical substance" is defined by section 3(2)(A) of TSCA, 15 U.S.C. § 2602(2)(A), as "any organic or inorganic substance of a particular molecular identity . . . ."

**Count I**

6. Respondent is a corporation that owns or controls a facility located at 2750 Regent Blvd.,  
Dallas, TX 75261
7. Respondent is a "person" as defined in 40 C.F.R. § 710.3 and as such is subject to TSCA and  
the regulations promulgated thereunder.
8. Respondent is an exporter of a "chemical substance," as defined above in Paragraphs 4 and 5.
9. Respondent is subject to the export notification requirement of TSCA section 12(b),  
15 U.S.C. § 2611(b), and the regulations set forth at 40 C.F.R. § 707.60 because the chemical  
substance 2, 4-Pentanedione, Chemical Abstract Service Number (CAS #) 123-54-6, which  
Respondent exported, is subject to a TSCA section 5 rule.
10. Respondent exported the chemical substance indicated in Paragraph 9 to fourteen (14)  
different countries on fourteen (14) different dates from, on or about, May 25, 2010 to, on or  
about, January 21, 2014 without timely notification to the Agency as required by TSCA  
section 12(b), 15 U.S.C. § 2611(b), 40 C.F.R. § 707.60, and as specified in 40 C.F.R. §§  
707.65 and 707.67.
11. Respondent's failure to comply with the required export notification requirements of TSCA  
section 12(b), 15 U.S.C. § 2611(b), and 40 C.F.R. §§ 707.60, 65 and 67 violates section  
15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B).
12. A person who violates section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B), is subject to a civil  
penalty pursuant to section 16(a) of TSCA, 15 U.S.C. § 2615(a).

**Count II**

13. Paragraphs 6 through 8 are re-alleged and incorporated herein by reference.



14. Respondent is subject to the export notification requirement of TSCA section 12(b), 15 U.S.C. § 2611(b), and the regulations set forth at 40 C.F.R. § 707.60 because the chemical substance, 2-ethoxyethanol acetate, CAS # 111-15-9, which Respondent exported, is subject to a TSCA section 5 rule.
15. Respondent exported the chemical substance indicated in Paragraph 14 to one country, on or about, December 6, 2012, without timely notification to the Agency as required by TSCA section 12(b), 15 U.S.C. § 2611(b), 40 C.F.R. § 707.60, and as specified in 40 C.F.R. §§ 707.65 and 707.67.
16. Respondent's failure to comply with the required export notification requirements of TSCA section 12(b), 15 U.S.C. § 2611(b), and 40 C.F.R. §§ 707.60, 65 and 67 violates section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B).
17. A person who violates section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B), is subject to a civil penalty pursuant to section 16(a) of TSCA, 15 U.S.C. § 2615(a).

### **Count III**

18. Paragraphs 6 through 8 are re-alleged and incorporated herein by reference.
19. Respondent is subject to the export notification requirement of TSCA section 12(b), 15 U.S.C. § 2611(b), and the regulations set forth at 40 C.F.R. § 707.60 because the chemical substance, 2-methoxyethanol, CAS # 109-86-4, which Respondent exported, is subject to a TSCA section 5 rule.
20. Respondent exported the chemical substance indicated in Paragraph 19 to five different countries on five different dates, from, on or about, April 6, 2010 to, on or about, May 24,

2013, without timely notification to the Agency as required by TSCA section 12(b), 15 U.S.C. § 2611(b), 40 C.F.R. § 707.60, and as specified in 40 C.F.R. §§ 707.65 and 707.67.

21. Respondent's failure to comply with the required export notification requirements of TSCA section 12(b), 15 U.S.C. § 2611(b), and 40 C.F.R. §§ 707.60, 65 and 67 violates section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B).

22. A person who violates section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B), is subject to a civil penalty pursuant to section 16(a) of TSCA, 15 U.S.C. § 2615(a).

#### Count IV

23. Paragraphs 6 through 8 are re-alleged and incorporated herein by reference.

24. Respondent is subject to the export notification requirement of TSCA section 12(b), 15 U.S.C. § 2611(b), and the regulations set forth at 40 C.F.R. § 707.60 because the chemical substance, Alkali metal nitrites – sodium nitrite, CAS # 7632-00-0, which Respondent exported, is subject to a TSCA section 5 rule.

25. Respondent exported the chemical substance indicated in Paragraph 24 to twelve (12) different countries on twelve (12) different dates, from, on or about, October 29, 2010 to, on or about, April 15, 2014, without timely notification to the Agency as required by TSCA section 12(b), 15 U.S.C. § 2611(b), 40 C.F.R. § 707.60, and as specified in 40 C.F.R. §§ 707.65 and 707.67.

26. Respondent's failure to comply with the required export notification requirements of TSCA section 12(b), 15 U.S.C. § 2611(b), and 40 C.F.R. §§ 707.60, 65 and 67 violates section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B).

27. A person who violates section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B), is subject to a civil penalty pursuant to section 16(a) of TSCA, 15 U.S.C. § 2615(a).

**Count V**

28. Paragraphs 6 through 8 are re-alleged and incorporated herein by reference.

29. Respondent is subject to the export notification requirement of TSCA section 12(b), 15 U.S.C. § 2611(b), and the regulations set forth at 40 C.F.R. § 707.60 because the chemical substance, Decabromodiphenyloxide, CAS # 1163-19-5, which Respondent exported, is subject to a TSCA section 5 rule.

30. Respondent exported the chemical substance indicated in Paragraph 29 to five different countries on five different dates, from, on or about, May 3, 2012 to, on or about, November 15, 2013, without timely notification to the Agency as required by TSCA section 12(b), 15 U.S.C. § 2611(b), 40 C.F.R. § 707.60, and as specified in 40 C.F.R. §§ 707.65 and 707.67.

31. Respondent's failure to comply with the required export notification requirements of TSCA section 12(b), 15 U.S.C. § 2611(b), and 40 C.F.R. §§ 707.60, 65 and 67 violates section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B).

32. A person who violates section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B), is subject to a civil penalty pursuant to section 16(a) of TSCA, 15 U.S.C. § 2615(a).

**Count VI**

33. Paragraphs 6 through 8 are re-alleged and incorporated herein by reference.

34. Respondent is subject to the export notification requirement of TSCA section 12(b), 15 U.S.C. § 2611(b), and the regulations set forth at 40 C.F.R. § 707.60 because the chemical

substance, Dipropylene glycol dimethyl ether, CAS # 111109-77-4, which Respondent exported, is subject to a TSCA section 5 rule.

35. Respondent exported the chemical substance indicated in Paragraph 34 to four different countries on four different dates, from, on or about, September 15, 2011 to, on or about, May 15, 2013, without timely notification to the Agency as required by TSCA section 12(b), 15 U.S.C. § 2611(b), 40 C.F.R. § 707.60, and as specified in 40 C.F.R. §§ 707.65 and 707.67.
36. Respondent's failure to comply with the required export notification requirements of TSCA section 12(b), 15 U.S.C. § 2611(b), and 40 C.F.R. §§ 707.60, 65 and 67 violates section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B).
37. A person who violates section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B), is subject to a civil penalty pursuant to section 16(a) of TSCA, 15 U.S.C. § 2615(a).

#### Count VII

38. Paragraphs 6 through 8 are re-alleged and incorporated herein by reference.
39. Respondent is subject to the export notification requirement of TSCA section 12(b), 15 U.S.C. § 2611(b), and the regulations set forth at 40 C.F.R. § 707.60 because the chemical substance, Ethane, 1,2-dimethoxy-, CAS # 110-71-4, which Respondent exported, is subject to a TSCA section 5 rule.
40. Respondent exported the chemical substance indicated in Paragraph 39 to one country, on or about, August 18, 2011, without timely notification to the Agency as required by TSCA section 12(b), 15 U.S.C. § 2611(b), 40 C.F.R. § 707.60, and as specified in 40 C.F.R. §§ 707.65 and 707.67.



41. Respondent's failure to comply with the required export notification requirements of TSCA section 12(b), 15 U.S.C. § 2611(b), and 40 C.F.R. §§ 707.60, 65 and 67 violates section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B).
42. A person who violates section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B), is subject to a civil penalty pursuant to section 16(a) of TSCA, 15 U.S.C. § 2615(a).

**Count VIII**

43. Paragraphs 6 through 8 are re-alleged and incorporated herein by reference.
44. Respondent is subject to the export notification requirement of TSCA section 12(b), 15 U.S.C. § 2611(b), and the regulations set forth at 40 C.F.R. § 707.60 because the chemical substance, Pentane, 1,1,1,2,2,3,4,5,5,5-decafluoro-, CAS # 138495-42-8, which Respondent exported, is subject to a TSCA section 5 rule.
45. Respondent exported the chemical substance indicated in Paragraph 44 to twenty-two (22) different countries on twenty-two (22) different dates, from, on or about, May 17, 2010 to, on or about, January 24, 2014, without timely notification to the Agency as required by TSCA section 12(b), 15 U.S.C. § 2611(b), 40 C.F.R. § 707.60, and as specified in 40 C.F.R. §§ 707.65 and 707.67.
46. Respondent's failure to comply with the required export notification requirements of TSCA section 12(b), 15 U.S.C. § 2611(b), and 40 C.F.R. §§ 707.60, 65 and 67 violates section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B).
47. A person who violates section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B), is subject to a civil penalty pursuant to section 16(a) of TSCA, 15 U.S.C. § 2615(a).

### Count IX

48. Paragraphs 6 through 8 are re-alleged and incorporated herein by reference.
49. Respondent is subject to the export notification requirement of TSCA section 12(b), 15 U.S.C. § 2611(b), and the regulations set forth at 40 C.F.R. § 707.60 because the chemical substance, 1H, 3H-Benzol(1,2-c:4,5-c)difuran-1,3,5,7-tetrone, CAS # 89-32-7, which Respondent exported, is subject to a TSCA section 4 rule.
50. Respondent exported the chemical substance indicated in Paragraph 49 to six different countries on six different dates, from, on or about, August 24, 2011 to, on or about, August 8, 2013, without timely notification to the Agency as required by TSCA section 12(b), 15 U.S.C. § 2611(b), 40 C.F.R. § 707.60, and as specified in 40 C.F.R. §§ 707.65 and 707.67.
51. Respondent's failure to comply with the required export notification requirements of TSCA section 12(b), 15 U.S.C. § 2611(b), and 40 C.F.R. §§ 707.60, 65 and 67 violates section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B).
52. A person who violates section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B), is subject to a civil penalty pursuant to section 16(a) of TSCA, 15 U.S.C. § 2615(a).

### Count X

53. Paragraphs 6 through 8 are re-alleged and incorporated herein by reference.
54. Respondent is subject to the export notification requirement of TSCA section 12(b), 15 U.S.C. § 2611(b), and the regulations set forth at 40 C.F.R. § 707.60 because the chemical substance, 2-Oxiranemethanamine, N-(4-(2-oxiranylmethoxy)phenyl)-N-(2-oxiranylmethyl)- CAS # 5026-74-4, which Respondent exported, is subject to a TSCA section 4 rule.

55. Respondent exported the chemical substance indicated in Paragraph 54 to forty-three (43) different countries on forty-three (43) different dates, from, on or about, November 22, 2011 to, on or about, November 7, 2013, without timely notification to the Agency as required by TSCA section 12(b), 15 U.S.C. § 2611(b), 40 C.F.R. § 707.60, and as specified in 40 C.F.R. §§ 707.65 and 707.67.
56. Respondent's failure to comply with the required export notification requirements of TSCA section 12(b), 15 U.S.C. § 2611(b), and 40 C.F.R. §§ 707.60, 65 and 67 violates section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B).
57. A person who violates section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B), is subject to a civil penalty pursuant to section 16(a) of TSCA, 15 U.S.C. § 2615(a).

#### **Count XI**

58. Paragraphs 6 through 8 are re-alleged and incorporated herein by reference.
59. Respondent is subject to the export notification requirement of TSCA section 12(b), 15 U.S.C. § 2611(b), and the regulations set forth at 40 C.F.R. § 707.60 because the chemical substance, Acetaldehyde, CAS # 75-07-0, which Respondent exported, is subject to a TSCA section 4 rule.
60. Respondent exported the chemical substance indicated in Paragraph 59 to one country, on or about, June 23, 2014, without timely notification to the Agency as required by TSCA section 12(b), 15 U.S.C. § 2611(b), 40 C.F.R. § 707.60, and as specified in 40 C.F.R. §§ 707.65 and 707.67.

61. Respondent's failure to comply with the required export notification requirements of TSCA section 12(b), 15 U.S.C. § 2611(b), and 40 C.F.R. §§ 707.60, 65 and 67 violates section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B).

62. A person who violates section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B), is subject to a civil penalty pursuant to section 16(a) of TSCA, 15 U.S.C. § 2615(a).

#### **Count XII**

63. Paragraphs 6 through 8 are re-alleged and incorporated herein by reference.

64. Respondent is subject to the export notification requirement of TSCA section 12(b), 15 U.S.C. § 2611(b), and the regulations set forth at 40 C.F.R. § 707.60 because the chemical substance, Benzene, 1-chloro-4-(trifluoromethyl)-, CAS # 98-56-6, which Respondent exported, is subject to a TSCA section 4 rule.

65. Respondent exported the chemical substance indicated in Paragraph 64 to twenty-nine (29) different countries on twenty-nine (29) different dates, from, on or about, November 23, 2011 to, on or about, August 14, 2014, without timely notification to the Agency as required by TSCA section 12(b), 15 U.S.C. § 2611(b), 40 C.F.R. § 707.60, and as specified in 40 C.F.R. §§ 707.65 and 707.67.

66. Respondent's failure to comply with the required export notification requirements of TSCA section 12(b), 15 U.S.C. § 2611(b), and 40 C.F.R. §§ 707.60, 65 and 67 violates section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B).

67. A person who violates section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B), is subject to a civil penalty pursuant to section 16(a) of TSCA, 15 U.S.C. § 2615(a).



### Count XIII

68. Paragraphs 6 through 8 are re-alleged and incorporated herein by reference.
69. Respondent is subject to the export notification requirement of TSCA section 12(b), 15 U.S.C. § 2611(b), and the regulations set forth at 40 C.F.R. § 707.60 because the chemical substance, Benzenediamine, ar,ar-diethyl-ar-methyl-, CAS # 68479-98-1, which Respondent exported, is subject to a TSCA section 4 rule.
70. Respondent exported the chemical substance indicated in Paragraph 69 to four different countries on four different dates, from, on or about, August 19, 2011 to, on or about, January 25, 2013, without timely notification to the Agency as required by TSCA section 12(b), 15 U.S.C. § 2611(b), 40 C.F.R. § 707.60, and as specified in 40 C.F.R. §§ 707.65 and 707.67.
71. Respondent's failure to comply with the required export notification requirements of TSCA section 12(b), 15 U.S.C. § 2611(b), and 40 C.F.R. §§ 707.60, 65 and 67 violates section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B).
72. A person who violates section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B), is subject to a civil penalty pursuant to section 16(a) of TSCA, 15 U.S.C. § 2615(a).

### Count XIV

73. Paragraphs 6 through 8 are re-alleged and incorporated herein by reference.
74. Respondent is subject to the export notification requirement of TSCA section 12(b), 15 U.S.C. § 2611(b), and the regulations set forth at 40 C.F.R. § 707.60 because the chemical substance, Castor oil, oxidized, CAS # 68187-84-8, which Respondent exported, is subject to a TSCA section 4 rule.

75. Respondent exported the chemical substance indicated in Paragraph 74 to eight different countries on eight different dates, from, on or about, March 5, 2014 to, on or about, May 1, 2014, without timely notification to the Agency as required by TSCA section 12(b), 15 U.S.C. § 2611(b), 40 C.F.R. § 707.60, and as specified in 40 C.F.R. §§ 707.65 and 707.67.
76. Respondent's failure to comply with the required export notification requirements of TSCA section 12(b), 15 U.S.C. § 2611(b), and 40 C.F.R. §§ 707.60, 65 and 67 violates section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B).
77. A person who violates section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B), is subject to a civil penalty pursuant to section 16(a) of TSCA, 15 U.S.C. § 2615(a).

**Count XV**

78. Paragraphs 6 through 8 are re-alleged and incorporated herein by reference.
79. Respondent is subject to the export notification requirement of TSCA section 12(b), 15 U.S.C. § 2611(b), and the regulations set forth at 40 C.F.R. § 707.60 because the chemical substance, Phenol, 4-4-methylenebis(2,6-bis(1,1-dimethylethyl)-, CAS # 118-82-1, which Respondent exported, is subject to a TSCA section 4 rule.
80. Respondent exported the chemical substance indicated in Paragraph 79 to four different countries on four different dates, from, on or about, October 15, 2010 to, on or about, May 4, 2012, without timely notification to the Agency as required by TSCA section 12(b), 15 U.S.C. § 2611(b), 40 C.F.R. § 707.60, and as specified in 40 C.F.R. §§ 707.65 and 707.67.
81. Respondent's failure to comply with the required export notification requirements of TSCA section 12(b), 15 U.S.C. § 2611(b), and 40 C.F.R. §§ 707.60, 65 and 67 violates section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B).

82. A person who violates section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B), is subject to a civil penalty pursuant to section 16(a) of TSCA, 15 U.S.C. § 2615(a).

## **II. CIVIL PENALTY ASSESSMENT**

Section 16 of TSCA, 15 U.S.C. § 2615, authorizes the assessment of a civil penalty for violations of TSCA section 15, 15 U.S.C. § 2614, in the maximum amount of \$25,000 for each violation. The Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, (DCIA), 31 U.S.C. § 3701, requires EPA to adjust penalties to account for inflation. EPA's 2008 Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19, promulgated in accordance with the DCIA, provides for the assessment of civil penalties for violations of Section 15 of TSCA, 15 U.S.C. § 2614, in amounts up to \$37,500 per day for violations occurring after January 12, 2009.

For purposes of determining the amount of a civil penalty to be assessed, TSCA section 16(a)(2)(B), 15 U.S.C. § 2615(a)(2)(B), requires EPA to take into account the nature, circumstances, extent, and gravity of the violations alleged, as well as Respondent's ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require. In developing a proposed penalty, Complainant will take into account the particular facts and circumstances of this case with specific reference to the statutory factors set forth in TSCA section 16(a)(2)(B), 15 U.S.C. § 2615(a)(2)(B), and the EPA's *Enforcement Response Policy (ERP) for Reporting and Recordkeeping Rules and Requirements for TSCA Sections 8, 12 and 13* (revised March 31, 1999; effective June 1, 1999). See Attachment B. The ERP was developed in accordance with the

*Guidelines for Assessment of Civil Penalties Under Section 16 of the Toxic Substances Control Act; PCB Penalty Policy*, which sets forth a general penalty assessment policy for TSCA violations. 45 Fed. Reg. 59,770 (Sept. 10, 1980). *See* Attachment C. The policies provide rational, consistent, and equitable calculation methodologies for applying the statutory factors enumerated above to particular cases.

Applying the statutory factors to the facts alleged in this Complaint, the Complainant proposes that Respondent be assessed a penalty of \$470,050 for the violations alleged in this Complaint.

### **III. NOTICE OF OPPORTUNITY TO REQUEST A HEARING**

As provided in TSCA section 16(a)(2)(A), 15 U.S.C. § 2615(a)(2)(A), and consistent with 40 C.F.R. § 22.15, Respondent has the right to request a formal hearing to contest any material fact set forth in this Complaint or to contest the appropriateness of the proposed penalty. To request a hearing, Respondent must file a written Answer to the Complaint with the Headquarters Hearing Clerk, within 30 days of service of this Complaint, at the following address:

U.S. Environmental Protection Agency  
Office of Administrative Law Judges  
Mail Code 1900R  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

Any hearing requested will be conducted in accordance with the Administrative Procedure Act, 5 U.S.C. § 551 *et seq.*, and the Consolidated Rules of Practice. *See* Attachment A.

Pursuant to the Consolidated Rules of Practice, 40 C.F.R. § 22.15, Respondent's Answer must clearly and directly admit, deny, or explain each of the factual allegations contained in the



Complaint of which Respondent has any knowledge. Where Respondent has no knowledge of a particular factual allegation, the Answer should so state. The Answer should contain: (1) the circumstances or arguments which are alleged to constitute the grounds of any defense; (2) the facts which Respondent disputes; (3) the basis for opposing any proposed relief; and (4) a statement as to whether a hearing is requested. The denial of any material fact or the raising of any affirmative defense shall be construed as a request for a hearing. All material facts not denied in the Answer will be considered as admitted.

If Respondent fails to file a written Answer within 30 days of service of this Complaint, such failure shall constitute an admission of all facts alleged in the Complaint and a waiver of Respondent's right to a hearing on such factual allegations. Failure to file a written Answer may result in Complainant's filing of a Motion for Default Order imposing the penalties herein without further proceedings.

A copy of Respondent's Answer and all other documents that Respondent files in this action should be sent to the attorney of record assigned to represent EPA in this matter, as follows:

Dean B. Ziegel, Attorney-Advisor  
Waste and Chemical Enforcement Division  
Office of Civil Enforcement  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., N.W. (Mail Code 2249A)  
Washington, D.C. 20460  
Telephone: (202) 564-4038  
Email: Ziegel.Dean@epa.gov

#### **IV. INFORMAL SETTLEMENT CONFERENCE**

Whether or not Respondent requests a hearing, Respondent may confer informally with EPA to discuss the facts of this case, or amount of the penalty, and the possibility of settlement. An informal settlement conference does not, however, affect Respondent's obligation to file a timely Answer to the Complaint.

EPA has the authority, where appropriate, to modify the amount of the penalty, once determined, to reflect any settlement reached with Respondent in an informal conference. The terms of such an agreement would be embodied in a Consent Agreement. A Consent Agreement signed by EPA and Respondent would be binding as to all terms and conditions specified therein upon issuance of a Final Order by the Environmental Appeals Board.

Please be advised that the Consolidated Rules of Practice prohibit any *ex parte* (unilateral) discussion of the merits of this action with the Administrator, the members of the Environmental Appeals Board, the assigned Administrative Law Judge, or any person likely to advise these officials in the decision of the case, after the issuance of this Complaint. *See* 40 C.F.R. § 22.8.

#### **PAYMENT OF PENALTY**

Instead of filing an Answer, requesting a hearing, or requesting an informal settlement conference, you may pay the proposed penalty to resolve this matter. *See* 40 C.F.R. § 22.18(a).

Such payment should be made by sending either a cashier's or certified check with a notation of "Aviall Services, Inc., Penalty Docket No. TSCA-HQ-2015-5005," payable to the order of the "Treasurer, United States of America," to:

U.S. Environmental Protection Agency  
Fines and Penalties

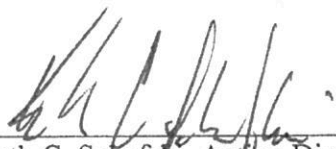
Docket No. TSCA-HQ-2015-5005  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000

or pay by wire transfer with a notation of "Aviall Services, Inc., Penalty Docket No. TSCA-HQ-2015-5005" by using the following instructions:

Federal Reserve Bank of New York  
ABA = 021030004  
Account = 68010727  
SWIFT address = FRNYUS33  
33 Liberty Street  
New York, NY 10045  
Field Tag 4200 of the Fedwire message should read:  
"D 68010727 Environmental Protection Agency"

**In the Matter of Aviall Services, Inc.  
(Docket Number TSCA-HQ-2015-5005)**

By:



Date: 3/31/15

Kenneth C. Schefski, Acting Director  
Waste and Chemical Enforcement Division  
Office of Civil Enforcement  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency



**In the Matter of Aviall Services, Inc.**

**ATTACHMENTS**

Attachment A      Consolidated Rules of Practice, 40 C.F.R. Part 22.

Attachment B      *Enforcement Response Policy for Reporting and Recordkeeping Rules and Requirements for TSCA Sections 8, 12 and 13* (revised March 31, 1999; effective June 1, 1999).

Attachment C      *Guidelines for Assessment of Civil Penalties Under Section 16 of the Toxic Substances Control Act; PCB Penalty Policy*, 45 Fed. Reg. 59,770 (Sept. 10, 1980).

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

*In the Matter of :*

Aviall Services, Inc.  
Dallas, TX


Respondent

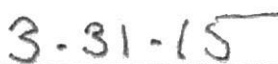
Docket Number TSCA-HQ-2015-5005

CERTIFICATE OF SERVICE

I hereby certify that the original of the foregoing Complaint and Notice of Opportunity for Hearing, Docket No. TSCA-HQ-2015-5005, has been filed with the Headquarters Hearing Clerk and that a copy was sent certified mail, return receipt requested to:

Robin Everly,  
General Counsel & V.P. Compliance  
Aviall Services, Inc.  
2750 Regent Blvd.  
Dallas, TX 75261

  
\_\_\_\_\_  
Tony R. Ellis  
Case Development Officer  
Waste and Chemical Enforcement Division  
Office of Civil Enforcement (Mail Code 2249A)  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

  
\_\_\_\_\_  
Date